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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/224,583	12/31/1998	MARK CHARLES BEUTNAGEL	BEUTNAGEL-4-	3519

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT PAPER NUMBER

2654

DATE MAILED: 07/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/224,583

Applicant(s)

BEUTNAGEL ET AL.

Examiner

Michael N. Opsasnick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34, and 36-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 2-12, 26-28, 31, 32, 34,36-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldenthal et al (5884267).

As per claims 2,12,31, Goldenthal et al (5884267) teaches a method and apparatus that generates a first signal stream including sound signals, a signal stream of commands to a video synthesizer, and combining the two signal streams as -- generating audio tin audio and viseme signals (col. 4 lines 14-30)

As per claims 3, and 36, Goldenthal et al (5884267) teaches phonetic units translated to viseme information/instruction (col. 4 lines 14-23)

As per claims 4,34, and 37, Goldenthal et al (5884267) teaches time aligned prosodic information (col. 3 lines 22-35)

As per claim 5, Goldenthal et al (5884267) teaches other image information that can include non-visemes (col. 3 lines 15-20)

As per claim 6, Goldenthal et al (5884267) teaches audio signals (col. 3 lines 15-18)

As per claim 7, Goldenthal et al (5884267) teaches encoded voice signals (col. 3 lines 8-10)

As per claim 8, Goldenthal et al (5884267) teaches phonetic information controlling visemes as well as sound (col. 4 lines 14-23)

As per claims 9,32, Goldenthal et al (5884267) teaches text associated with audio/visual (col. 4 line 65 – col. 5 line 4).

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As per claim 10, Goldenthal et al (5884267) teaches viseme information derived (col. 4 lines 14-24)

As per claim 11, Goldenthal et al (5884267) teaches facial images (col. 3 lines 15-18)

As per claims 26 and 40, Goldenthal et al (5884267) teaches pairing commands generated from acoustic phonetic units translated to visemes (col. 4 lines 14-24)

As per claims 27 and 38, Goldenthal et al (5884267) teaches interposing signals (Fig. 1, subblocks 130, and 131)

As per claims 28 and 39, Goldenthal et al (5884267) teaches determining the frame by finding time aligned boundaries and transitions (col. 3 lines 22-29)

As per claim 33, Goldenthal et al (5884267) teaches phoneme based speech synthesis (col. 3 lines 54-57)

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1,12-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Gasper (4884972).

As per claims 1,12, Gasper (4884972) teaches:

“a decoder responsive.....command signals stream” as audio/video information to microprocessor (Fig. 1 subblock 10)

“a converter.....developing sound” as audio generation (Fig. 1, subblock 26)

“a video synthesizer.....developing images” as video output (fig. 1, subblock 18)

As per claim 1,13,15, Gasper (4884972) teaches text to speech synthesis (col. 15 lines 51-64)

As per claims 1,14, 16, Gasper (4884972) teaches audio comprising text (col. 11 lines 30-50); converting text to phoneme signals (as phoncode commands, col. 11 lines 30-50, col. 12 lines 10-25); speech synthesis from phoneme signals (col. 10 lines 29-40)

As per claims 1,17,23, Gasper (4884972) teaches video generated output is image related (col. 9 lines 35-48)

As per claim 18, Gasper (4884972) teaches video input (Fig. 1, subblock 18)

As per claim 19, Gasper (4884972) teaches face model parameters (col. 9 lines 35-48)

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As per claim 20, Gasper (4884972) teaches converter generating video synthesis command signals from phoneme signals (col. 11 lines 30-50, col. 12 lines 10-25)

As per claim 21, Gasper (4884972) teaches interposing command signals between the decoder and video synthesizer (Fig. 1)

As per claim 22, Gasper (4884972) teaches interposed signals (audio with video signals, Fig. 1)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gasper (4884972) in view of Chen et al (6130679).

As per claims 24, and 25, Gasper teaches interpolating facial information, however is silent on FAP numbered parameters and interpolation. Chen et al (6130679), however, teaches FAP framing and interpolation (col. 6 lines 20-50). Therefore, it would have

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been obvious to one of ordinary skill in the art of facial animation to modify the interpolation technique as taught by Gasper (4884972) with FAP framing and interpolation because it would dramatically reduce the amount of information needed to represent the animation picture (Chen et al (6130679), col. 2 lines 30-41).

7. Claims 29,30,41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenthal et al (5884267) in view of Chen et al (6130679).

As per claims 29,30,41, and 42, Goldenthal et al (5884267) teaches interpolating facial information, however is silent on FAP numbered parameters and interpolation. Chen et al (6130679), however, teaches FAP framing and interpolation (col. 6 lines 20-50).

Therefore, it would have been obvious to one of ordinary skill in the art of facial animation to modify the interpolation technique as taught by Goldenthal et al (5884267) with FAP framing and interpolation because it would dramatically reduce the amount of information needed to represent the animation picture (Chen et al (6130679), col. 2 lines 30-41).

Response to Arguments

8. Applicant's arguments filed 5/1/02 have been fully considered but they are not persuasive. As per applicant's extensive treatment of the office action mailed 2/8/2002, the examiner argues the following main points: 1) with respect to the combination of audio/video

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signals, examiner argues that the rendering system of Goldenthal is the apparatus that combines the signal; 2) with respect to the claimed FAP information, applicant does not compare/contrast this information versus Goldenthal's facial information/instructions; 3) Goldenthal teaches text via the 'chat room' application -- internet chat rooms inherently contain text.

Conclusion

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsha Banks-Harold, can be reached at (703)305-4379. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno

7/13/02

Vijay Chawan
7/13/02

**VIJAY CHAWAN
PRIMARY EXAMINER**